

REMARKS

The above amendments and following remarks are responsive to the points raised in the February 11, 2004 non-final Office Action. Upon entry of the above amendments, Claims 1, 7, 11, 13, 16, and 17 will have been amended and Claims 1-18 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Objection of the Specification

The specification has been objected to on the basis that the title is not descriptive. A new title "that is clearly indicative of the invention to which the claims are directed" has been required.

Applicant has amended the title of the invention in accordance with the title suggested by the Examiner. As such, Applicant respectfully submits that the above amendment to the title obviates the Examiner's objection. Accordingly, the objection is now moot and should be withdrawn.

Should the Examiner maintain the objection to the title upon further action, Applicant's respectfully request that the Examiner kindly suggest an acceptable title.

Response to the Rejection under 35 U.S.C. § 103(a)

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being obvious over Mukai et al. ((Mukai) US Patent 5,557,358) in view of Aria (US Patent 5,049,997). Applicant respectfully traverses this rejection.

Amendment

The Examiner has admitted that the primary reference of Mukai does not teach each feature of the invention as recited in Claims 1-18. Specifically, the Examiner, in her comments rejecting independent Claim 1, states that:

“Mukai et al. fails to disclose that the correction device corrects the brightness of the viewfinder in accordance with a difference between a luminance level of the image signal obtained by the image sensing sensor, and a target luminance level.”

The Examiner, however, attempts to rely on the secondary teaching of Arai to remedy the admitted deficiencies of Mukai by stating that:

“Arai discloses in Fig. 3 an apparatus comprising a correction device that determines a difference between a luminance level of the image signal obtained by the image sensing sensor, and a target luminance level (col. 5, lines 34-44)”

From the above, the Examiner merely concludes that:

“[t]herefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of correcting brightness of the viewfinder as disclosed by Arai with Mukai et al. in order to provide an exposure control method and apparatus capable of a precise exposure control even if a main object is displaced more or less from the center of an image frame or even if the size of the main object is indefinite over consecutive scenes.”

Independent Claims 16 and 17, which are directed to a control method for controlling an image sensing apparatus and a computer program product that supplies a control program of an image sensing apparatus, respectively, are substantially equivalent to Claim 1. The Examiner's bases and comments for rejecting Claims 16 and 17 are substantially equivalent to those of Claim 1. As such, Applicant's comments and arguments refuting the rejection of independent Claim 1 are likewise applicable to independent Claims 16 and 17.

Contrary to the Examiner's comments and conclusion of obviousness, Applicant respectfully submits that Mukai and Aria, alone or in combination, neither teach, suggest, nor render obvious the invention as recited in Applicant's Claims 1-18.

Mukai discloses a camera with an electronic viewfinder (EVF) having an angle of view that is wider than the angle of view of the taking lens. Such an arrangement, as disclosed by Mukai, displays an image scene by the EVF that includes objects and events outside the angle of view of the taking lens so that photographic composition of the taking lens can be more easily confirmed by the user. By way of an exposure value calculating routine, the camera taught by Mukai calculates exposure value from information obtained by the CCD and displays the full image in the EVF on the basis of the calculated exposure value. As referenced above, the Examiner points out that the camera, as disclosed by Mukai, does not correct the brightness of the viewfinder in accordance with a difference between a luminance level of the image signal obtained by the image sensing sensor, and a target luminance level.

In the secondary reference of Arai, a luminance level, which is used for calculating a target luminance level which indicates an exposure value of a photographing operation, is selected on the basis of a result of comparing a threshold value T and a difference between an average luminance value B1 of a central area 36 of an image frame 35 and an average luminance value B2 of a peripheral area 37 of the image frame 35. Arai does not teach or suggest calculating a difference between a luminance level of an image signal obtained by an image sensing sensor and a target luminance level which indicates an exposure value of a photographing operation.

Amendment

Likewise, neither the primary reference of Mukai nor the secondary reference of Arai provide any teaching or suggestion that would motive one of ordinary skill in the art modify the camera disclosed by Mukai in view of Arai as proposed by the Examiner. More specifically, the Examiner has not pointed to any specific suggestion or motivation from Mukai and Arai, or otherwise, to modify the teaching of Mukai in view of the teaching of Aria with a reasonable expectation of success founded in the references and not Applicant's own disclosure (see, for example, Sections 2142 - 2144.01 of the Manual of Patent Examining Procedure). As such, the invention as recited in independent Claims 1, 16, and 17 is distinguished over the primary teaching of Mukai in view of the secondary teaching of Aria. Dependent Claims 2-15 and 18 are likewise distinguished over the teachings of Mukai and Aria for at least the same reasons as their respective base claims, i.e., Claims 1 or 17. Accordingly, the rejection under 35 U.S.C. § 103(a) over Mukai in view of Aria should be withdrawn and the rejected claims allowed.

Response to the Objection of the Drawings

The drawings have been objected to on the basis that "Figures 11 and 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated." The Examiner has required that Figures 11 and 12 be corrected in response to the February 11, 2004 non-final Office Action.

Applicant has amended each of Figures 11 and 12, i.e., drawing sheets 15/16 and 16/16 to include the legend "PRIOR ART". As referred to above, the attached drawing sheets 15/16 and 16/16 replace original Figures 11 and 12. Accordingly, the objection to the drawings is now moot and should be withdrawn.

Amendment

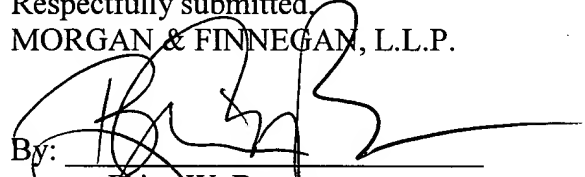
CONCLUSION

Applicant respectfully submits that Claims 1-18 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4653.

Respectfully submitted
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